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Montana School Bus Driver Qualifications

The following information includes current state laws, administrative rules, and frequently asked questions regarding school bus driver qualification in Montana.
✓ Please copy and distribute this publication to school transportation staff.

Montana Code 20-10-103.
School bus driver qualifications

A driver of a school bus is qualified to drive a school bus if the driver:
(1) is not less than 18 years of age,
(2) is of good moral character;
(3) is the holder of a commercial driver's license;
(4) has filed with the district a satisfactory medical examination report, on a form approved by the United States department of transportation, signed by any physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;
(5) has completed a basic first aid course and holds a valid basic first aid certificate from an authorized instructor. The issuance of the certificate is governed by rules established by the superintendent of public instruction, provided that the rules may suspend this requirement for a reasonable period of time if there has been an inadequate opportunity for securing the basic first aid course and certificate.
(6) has complied with any other qualifications established by the board of public education; and
(7) has filed with the county superintendent a certificate from the trustees of the district for which the school bus is to be driven, certifying compliance with the driver qualifications enumerated in this section.

Administrative Rule of Montana 10.64.201

(1) In addition to the school bus driver qualifications specifically set forth in section 20- 10-103, MCA, the board of public education requires that a person shall have a minimum of five (5) years of licensed driving experience to qualify to drive a school bus.

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Administrative Rule Of Montana 10.7.111
Qualification of Bus Drivers

(1) School bus drivers must be fully qualified in order for a district to receive state reimbursement for the bus. Qualifications for bus drivers are prescribed by 20-10-103, MCA, and by the board of public education. These require that the driver:

(a) have five years of licensed driving experience;

(b) is not less than 18 years of age;

(c) be of good moral character;

(d) hold a driver's license with the proper commercial vehicle operator's endorsement;

(e) have filed with the board of trustees a satisfactory report of a physical examination, signed by a licensed physician in the state of Montana, on a federal department of transportation (DOT) form;

(f) hold a valid basic first-aid certificate or certificate from an equivalent or more advanced first-aid course; and

(g) hold a valid certificate (form TR-35) as evidence of meeting the above qualifications.

(2) State reimbursement for bus transportation for the full school term will be made only when a new driver of the bus has completed the first-aid requirement within 60 days from the employment date. Any bus operated by a driver not so qualified will not be eligible for state reimbursement for that portion of the term that the driver is not qualified. Drivers who have driven the previous year must have the first-aid requirement completed before the expiration date on their certificate.

(3) In the event a district (or contractor) is obligated to employ a driver as a replacement for a driver employed at the beginning of the school year, or must employ an additional driver, a period of 60 days will be permitted for the new driver to acquire the first-aid certificate. If after 60 days following the date of first employment of the additional or replacement driver, the first-aid requirement has not been met, the bus operated by the driver will not qualify for state reimbursement for that portion of the year that the driver is not qualified, including the 60-day grace period.

(4) The holding of a Montana school bus driver certificate is proof that the driver meets all the qualifications of the school transportation law. The bus driver certificate forms are provided by the superintendent of public instruction for use by the board of trustees. The board issues a certificate to each driver who is authorized and qualified to drive, and files a copy with the county superintendent and a copy with the superintendent of public instruction.

(5) A school bus driver certificate remains valid until the earliest expiration date of the commercial vehicle operator's endorsement, the first-aid certificate, and/or physical examination. A new certificate must be issued to the driver when any of the above items expires and is renewed.

(6) The qualifications of all bus drivers are reviewed at the time the state verification of transportation claims is made, as the qualifications of the bus driver are one of the criteria for eligibility for reimbursement. With the exception of (2) and (3), OPI will not reimburse for routes driven by drivers without a current certificate on file with the office of public instruction at the time the TR-6 claim for reimbursement is due. If any license, certificate or examination was expired for any period of time, the office of public instruction will withhold transportation reimbursement funding for the number of days the driver was not qualified.

First Aid FAQ's

Q: ***What are acceptable options for first aid classes?***

A: The most common first aid trainers in Montana are Red Cross. Being certified an EMT is an acceptable option.

In general, an acceptable course would have a certified instructor and a dated certificate of completion that expires within 2-3 years from the class date. Most Red Cross certificates are good for 3 years. Contact the instructor of the course for more information.

MONTANA RED CROSS CHAPTERS

CHAPTER	CITY	PHONE #
Bear Paw	Havre	265-1500
Big Sky	Great Falls	727-2212
Eastern Montana	Glendive	377-4177
Five Rivers	Bozeman	587-4611
Hi-Line	Glasgow	228-9262
Lake	Polson	883-6427
Lewis & Clark	Helena	442-0260
Midland Empire	Billings	245-3512
Northwest	Kalispell	752-6433
Park County	Livingston	222-4134
Pioneer	Butte	782-8358
Tri-County	Lewistown	538-6881
Western Valleys	Missoula	549-6441

Q: ***Does the driver need to maintain a current CPR card that expires every year?***

A: CPR is not a state requirement but is highly recommended. Drivers must keep their standard first aid training current. The driver is not required to keep the CPR portion of a first aid class current, unless it is required by the school board for which the driver works.

Q: ***How much time does a new driver have to meet the first aid class requirement for a bus drivers' certificate?***

A: New drivers have 60 days from the date of employment to meet the first aid requirement. There is no grace period for drivers already employed as a full time or substitute drivers.

Montana School Bus Driver Certificate FAQ's

Q: ***Does a driver need to be "certified" to drive an empty bus across town for maintenance purposes, etc.?***

A: No. However, to drive a bus on a public road, a driver needs to have a commercial drivers' license appropriate for the vehicle being operated.

Q: ***Does a coach, teacher or group sponsor need to be "certified" to drive team members to a game?***

A: The requirement for driver to hold a current Montana School Bus Driver Certificate applies to the transportation of pupils to and from school. Driving to a school related activity does not technically require a Montana School Bus Driver Certificate; however, for professional and safety reasons the Office of Public Instruction strongly recommends anyone transporting pupils posses a Montana School Bus Driver Certificate.

At minimum, the driver must have a license appropriate for the vehicle being driven and a valid Department of Transportation physical exam when a commercial drivers' license is required.

NOTE: in Montana, a valid commercial driver's license is required to drive any size bus, including a van designed to carry 10-15 passengers, even though that type vehicle cannot be qualified as a school bus because of its construction (See A.G. Opinion Number 53, Volume 40.)

Commercial Drivers License FAQ's

Q: ***Can a bus driver use an out-of-state commercial driver's license to drive school buses in Montana?***

A: MCA 612-5-103 requires that a person residing in Montana from more than 30 days is considered a resident for drivers license purposes and must therefore have a Montana commercial drivers' license.

MCA 61-5-104 Exemptions. (3) A non resident not otherwise exempt from the licensing requirements of 49CFR, part 383, and in immediate possession of a valid commercial driver's license issued to the nonresident by the nonresident's home state or country may operate a commercial motor vehicle in Montana. Remember, all school bus drivers are required to have a Class B license with a Passenger endorsement.

Q: ***How do the Federal Drug and Alcohol Testing Regulations affect Montana?***

A: In general, federal DOT regulations require covered interstate transportation employers and/or employers of those required to have a commercial drivers license (CDL) to:

- ✓ Develop and enforce a comprehensive substance abuse policy.
- ✓ Develop and implement a drug and alcohol testing program, either as an entity or part of a consortium.
- ✓ Educate and train supervisors.
- ✓ Provide drug and alcohol information to all employees subject to testing.
- ✓ Designate a medical review officer.
- ✓ Identify collection sites.
- ✓ Identify a substance abuse professional.
- ✓ Test all covered employees for controlled substance and alcohol.
- ✓ Comply with record keeping and reporting requirements.

For a copy of: Employers Guide to Drug Testing in Montana call 406-444-3096

Montana State Library
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Q: ***What effect does the Age Discrimination in Employment Act have on the minimum age requirement for an interstate driver?***

A: None. The Age Discrimination in Employment Act. 29 U.S.C. 621-634, recognizes an exception when age is a bona fide occupational qualification.

Physicals for Bus Drivers FAQ's

Q: ***How often does a driver need to have a physical to be "certified"?***

A: As part of the Commercial Drivers' License, drivers are required to complete a Department of Transportation Physical every two years. The old requirement of an OPI physical every three years no longer applies.

Q: ***Does age affect the length of time a physical exam is accepted for the bus driver's certification under state law?***

A: OPI recommends, but does not require, that a bus driver over age 65 should have physical every year.

Montana School Bus Driver Certification
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Wage and Hour Laws
Department of Labor and Industry
406-444-5600

Commercial Driver License
Montana Department of Justice
Motor Vehicle Division
444-9023